

Directive

9070.6 1/08/98

REPORTING VIOLATIONS OF THE U. S. GRAIN STANDARDS ACT AND THE AGRICULTURAL MARKETING ACT OF 1946

1. PURPOSE

This directive establishes procedures for reporting violations of provisions in the U.S. Grain Standards Act (USGSA), the Agricultural Marketing Act of 1946 (AMA), and the regulations and directives thereunder. These programs are administered by the Federal Grain Inspection Service (FGIS), a program area within the Grain Inspection, Packers and Stockyards Administration (GIPSA).

2. REPLACEMENT HIGHLIGHTS

This directive replaces FGIS Program Directive 907.6, dated 1/09/96.

3. POLICY

In accordance with Departmental Regulation 1700-2, "Office of the Inspector General (OIG), Organization and Procedures," dated July 18, 1995, agency heads are responsible for action that ensures the enforcement of laws, Department regulations, and agency instructions. In addition, agency heads are responsible for issuing guidelines requiring that known or suspected violations of laws or regulations are expeditiously reported to OIG.

Moreover, section 800.185(g) of the regulations under the USGSA and section 868.8 of the regulations under the AMA, require that violations of existing statutes, regulations, or instructions be promptly reported.

4. REPORTING VIOLATIONS

a. Program Activities. Violations pertaining to program related matters (e.g., sampling, grading, weighing, testing, etc.) shall be reported as follows:

- (1) Licensed personnel shall immediately report USGSA or AMA violations to their supervisor or to the FGIS field office responsible for that geographic area. Licensees who know or suspect that their supervisor(s) are violating

provisions, or believe that their supervisor(s) will suppress or ignore their violation report, shall call the Compliance Division **TOLL-FREE** at **1-800-998-FGIS (3447)** or (202) 720-8536. The toll-free number can be accessed 24 hours a day, 7 days a week.

- (2) Agency managers who receive reports or have knowledge about violations shall immediately notify the FGIS field office responsible for that geographic area.
- (3) FGIS field employees shall immediately report violations to their respective field offices.
- (4) FGIS headquarters personnel and employees at the Technical Services Division shall report violations to the Compliance Division.
- (5) FGIS field office managers shall:
 - (a) Report violations to the Compliance Division's Regulatory Branch.
 - (b) Provide details concerning the violation(s).
 - (c) Advise official personnel that the incident should be kept confidential. However, depending on the nature of the violation, it may be appropriate to discuss the matter with officials from the FBI, OIG, APHIS, or CP.

b. Bribes. Bribery includes the offering, giving, receiving, or soliciting of anything of value to influence official personnel and shall be reported as follows:

- (1) FGIS and Agency personnel who are offered a bribe or believe that a bribe was offered to, solicited by, or accepted by another FGIS or Agency employee, shall report this information directly to OIG. These report(s) should be made to the appropriate Regional Inspector General (see attachment) for the geographic area where the offer was made, during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday). However, during weekends, holidays, or after business hours, calls should be forwarded to the **OIG Bribery/Assault line** at **(202) 720-7257**. Collect calls will be accepted.
- (2) Official personnel reporting bribery or attempted bribery shall follow OIG's instructions concerning the matter. Do not disclose any information regarding the incident to anyone without approval from OIG or FBI.

- (3) Form FGIS-110, "Reporting Alleged or Suspected Bribery Attempts to the Office of Inspector General," shall be made available to all official personnel.
- c. Assaults. An assault includes any verbal or physical attack committed against official personnel while he or she is performing duties in accordance with provisions set forth in the USGSA or AMA. Official personnel shall report such incidences to their local law enforcement agency and to the appropriate Regional Inspector General (see attachment) for the geographic area where the offense took place.

Official personnel who encounter incidences of intimidation, opposition, resistance, or interference by interested parties during service delivery, shall notify their respective agency and field office manager. Depending on the circumstances, contacting the Regional Inspector General's office for guidance may also be prudent.
- d. Conduct or Other Incidences. Misconduct or other incidences shall be reported as follows:
 - (1) FGIS employee misconduct matters should be reported directly to the Employee and Management Relations Branch, APHIS, HRD, at **(301) 734-8863**.
 - (2) Official personnel should report violations that affect the integrity of any USDA program to OIG's Whistle Blower Hotline at **(800) 424-9121**. Management reprisal against whistle blowers is prohibited by law.
 - (3) Any conduct or incidences involving official personnel that could create the appearance of a loss of impartiality or adversely affect the public's confidence in FGIS services, shall be reported in accordance with this directive.

Neil E. Porter, Director
Compliance Division

Attachment

OFFICE OF INSPECTOR GENERAL

BRIBERY/ASSAULT HOTLINE (202) 720-7257

WHISTLE BLOWER HOTLINE

(800) 424-9121 (Toll free)
(202) 690-1622 (Washington, D.C. area)
(202) 690-1202 (TDD)

OIG INVESTIGATIONS: P.O. Box 23399, Washington, D.C. 20026

OIG REGIONAL OFFICES

REGION & AREA COVERED	ADDRESS	TELEPHONE
NORTH ATLANTIC CT, MA, ME, NH, NJ, NY, PR, RI, VT, VI	26 Federal Plaza New York, NY 10278	(212) 264-8400
NORTHEAST DE, DC, MD, PA, VA, WV	Suite 5D06 4700 River Road, Unit 151 Riverdale, MD 20737-1237	(301) 734-8850
SOUTHEAST AL, FL, GA, KY, MS, NC, SC, TN	401 W. Peachtree St., NW Atlanta, GA 30365-3520	(404) 730-3170
MIDWEST IL, IN, MI, MN, OH, WI	111 N. Canal St. Chicago, IL 60606-7295	(312) 353-1358
SOUTHWEST AR, LA, NM, OK, TX	101 South Main Temple, TX 76501	(817) 774-1351
GREAT PLAINS CO, IA, KS, MO, MT, NE, ND, SD, WY, UT	9435 Holmes Road P. O. Box 293 Kansas City, MO 64141	(816) 926-7716
WESTERN AK, AZ, CA, HA, ID, NV, OR, WA, Guam, TT of Pacific	600 Harrison St., Suite 225 San Francisco, CA 94107	(415) 744-2887